

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 11/20/02 Item: 4.e.

File Number
PDC 02-058

Application Type
Planned Development Rezoning

Council District
6

Planning Area
Willow Glen

Assessor's Parcel Number(s)
264-06-080

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Anastazia Aziz

Location: Southwest corner of Interstate 280 and Northrup Street

Gross Acreage: 0.72 Net Acreage: 0.72 Net Density: 20 DU/AC

Existing Zoning: A(PD) Planned Development Existing Use: Vacant

Proposed Zoning: A(PD) Planned Development Proposed Use: 14 single-family attached residences

GENERAL PLAN

Completed by: AA

Land Use/Transportation Diagram Designation
Medium High Density Residential (12-25 DU/AC)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: AA

North: Interstate 280

IP Industrial Park

East: Single-family and multi-family attached residential

A(PD) Planned Development and County

South: Single-family detached residential

County

West: Interstate 280

IP Industrial Park

ENVIRONMENTAL STATUS

Completed by: AA

☐ Environmental Impact Report found complete
☒ Negative Declaration circulated on November 1, 2002

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: AA

Annexation Title: Sunol No. 63

Date: February 26, 2002

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval with Conditions
☒ Denial

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

OWNER / DEVELOPER

Blackwell Brothers Development Co.
Attn: Greg Blackwell
715 N. First Street #30
San Jose, CA 95127

PUBLIC AGENCY COMMENTS RECEIVED**Completed by: AA**

Department of Public Works

See attached memorandum.

Other Departments and Agencies

See attached Fire Department, Police Department, Environmental Services Department, and Valley Transportation Agency memoranda.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Blackwell Brothers Development Co., is requesting a rezoning from A(PD) Planned Development to A (PD) Planned Development to construct 14 single-family attached residential units on 0.70 gross acres. The subject site is triangular in shape, and is accessed from Northrup Street. The level site is currently vacant. The site is surrounded by Interstate 280 to the north and west; single-family detached residences to the south; and single-family and multi-family attached residences to the east. All adjacent parcels to the south are located in the County.

The existing zoning for this site, approved by the City Council in 2001 (File No. PDC00-071), allows up to 8 single-family attached units in three-story buildings oriented parallel to the freeway with private open space located between the units and the freeway sound wall.

The proposed rezoning would allow 14 townhouses units in three-story buildings 37 feet in height oriented perpendicular to the freeway. Private open space for each unit is provided in the form of a 120 square-foot second-floor deck, and a 170 square foot at-grade patio, for a total of 290 square feet. The units have a mixture of one-and two-car attached garages, and surface parking is provided along the southerly property boundary. The proposed architectural style is eclectic, featuring large garage doors, faux columns and second- and third-story elements that are cantilevered over the first story at the front and back of the units.

PUBLIC OUTREACH

A neighborhood meeting will be held on November 14, 2002 at the Chinese Agape Vineyard Christian Fellowship. A supplemental memo detailing the meeting will follow prior to November 20, 2002.

A community meeting for the recently approved existing zoning was held on March 7, 2001. At that time, neighbors of the project site raised concerns about on-street parking problems, neighborhood traffic and noise.

A notice of the public hearing and copy of the Draft Negative Declaration were distributed to the owners and tenants of all properties located within 1,000 feet of the subject site. Staff has been available to discuss the project with interested members of the public.

GENERAL PLAN CONFORMANCE

The subject site is designated Medium High Density Residential (12-25 DU/AC) on the City of San Jose 2020 General Plan Land/Use Transportation Diagram. The proposed project at 20 DU/AC is consistent with this designation.

The project is not consistent with General Plan noise policies which acknowledge that full attainment of exterior noise levels along major roadways may not be achievable, but which specify that the City should require appropriate site and building design to achieve its noise objectives to the greatest in new residential development. The proposed site plan is not well designed given the high noise levels generated by the adjacent freeway. The perpendicular orientation of the buildings to the existing freeway sound wall actually creates noise corridors into the site, and fails to employ the buildings as effective noise barriers. The second floor balconies located within three feet of the Caltrans freeway right-of-way property line do not represent appropriate site or building design. See further discussion in the Analysis section below.

ENVIRONMENTAL REVIEW

A new Initial Study was prepared for this project and the Director of Planning circulated the Negative Declaration on November 1, 2002. A Noise Report was included in the Initial Study for the subject property, which addressed the impacts of the adjacent freeway on the proposed residences. The report recommended specific noise control measures to reduce interior noise exposures to an acceptable level which have been incorporated into the project. Recommended construction measures will also be incorporated into the project design. The noise report identified high outdoor noise levels up to 73 dB DNL on the second-story outdoor balconies. Because the projected noise level in outdoor areas is less than the health and safety threshold of 76 dB DNL, this exposure is not considered to be a significant environmental impact.

An Archaeology Report prepared for the project concludes that there are no archaeological sites recorded within the project area and that surface reconnaissance revealed no obvious historic or cultural resources. Due to the archaeological sensitivity of the general area, the project will include monitoring of excavation activities by a qualified archaeologist. No trees exist on the site.

ANALYSIS

The primary issues for this project are (1) high ambient noise levels, and (2) consistency with the *Residential Design Guidelines*, particularly perimeter setbacks and open space requirements.

Noise

Due to the location of this small site immediately adjacent to a major freeway, noise is the seminal design issue for the project; nevertheless, freeway noise appears to have been ignored in the design of the site plan. Instead of orienting the three-story buildings as sound barriers to protect on-site open space from freeway noise, the applicant has oriented the units to be perpendicular to the freeway, so that noise is allowed to permeate the site through the corridors between buildings.

Staff has requested that the buildings be oriented to be parallel to the existing soundwall and that the open space areas be placed along the southern edge of the site, adjacent to the existing single-family rear yards on Paula Street. By doing so, not only would the new buildings serve to buffer the sound for the projects private outdoor space, but they would also buffer and provide some sound attenuation for the Paula Street single-family rear yards. The use of new residential buildings as noise barriers for outdoor space is a standard planning site design technique that can greatly improve the quality of life for future residents, even in a fairly hostile noise environment.

Although the applicant did not take staff's advice regarding site design for the current PD Zoning, that design was

superior to the current proposal in that it placed the rear yards of the units up against the existing sound wall where they were somewhat shielded from freeway noise.

Residential Design Guidelines (RDG)

The key Residential Design Guidelines conformance issues for this project are setbacks and open space as discussed below.

Perimeter Setbacks

The proposed project provides substandard setbacks that provide insufficient opportunity for landscaping. The Residential Design Guidelines (RDG) recommend perimeter setbacks for a three-story element from a minor residential street of either 35 feet, or the average setback of existing residential buildings within 100 feet of the project site. The porches of the proposed townhouse units are set back a minimum of 4 feet from Northrup Avenue. This setback does not reflect existing setbacks in the area and is not consistent with the RDG. The Guidelines recommend that parking be set back 15 feet from the front property line; the current project proposes a 7-foot setback.

The RDG recommend a minimum 25-foot setback from sound walls along freeways. The subject proposal sets the units back 3 feet from the property line adjacent to the soundwall. This limited setback from the property line does not provide sufficient area to allow the planting of trees to provide a visual buffer between the project and the freeway and provides insufficient light and air for large windows proposed to be facing the freeway. Windows will be located within 3 feet of a sound wall that extends to a maximum of 18 tall feet at the easterly end of the site. Driveways extend to within 2 feet from the sound wall property line, providing no room for landscaping.

The RDG specify that parking areas and driveways should be set back a minimum of 10 feet from single-family rear yards. The subject proposal provides parking within 1 foot of the adjacent single-family rear yards along the southern edge of the site. This extremely narrow setback eliminates the possibility of a landscape buffer and does not conform to the RDG.

While staff acknowledges the irregular shape of the lot and the need to provide flexibility from the strict recommendations of the RDG, the setbacks in the current proposal are grossly insufficient and result in a project that does not meet the City's standards for quality of design or neighborhood compatibility. It appears that the proposed project design attempts to squeeze too many units onto this small site.

Open Space Requirements

The project does not meet the minimum open space requirements of the RDG and provides little open space which is protected from freeway noise. The minimum private open space for townhouse projects is 300 square-feet per unit, with a minimum width of 15 feet. Common open space should be provided at 150 square feet per unit. The subject proposal provides 290 square feet of private open space, 120 square feet of which is located on a second-story balcony subject to unusually high noise levels. While common open space is provided at the westerly end of the site, this area is also not protected from freeway noise.

Conclusion

Based on the above analysis, staff concludes that the proposed 14-unit project is poorly designed for the subject site, does not conform to General Plan policies regarding appropriate design to minimize outdoor noise, attempts to place too many units on the site, and is inconsistent with the *Residential Design Guidelines*.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to deny the subject rezoning for the following reasons:

1. The project does not conform to the General Plan Land Use policies regarding appropriate site design to minimize outdoor noise.
2. Residential project is consistent with existing residential uses on adjacent sites, although the project is inconsistent with the *Residential Design Guidelines*.

c.c. John Moniz, HMM Inc. 1570 Oakland Road, Suite 200, San Jose, CA 95131
Kurt Anderson, 18420 Hernandez Avenue, Monte Sereno, CA 95030

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